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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JEROME CEASAR ALVERTO,

9 Plaintiff,

10 v.

11 CHRISTOPHER SCHENK, *et al.*,

12 Defendants.

Case No. C18-1381-JCC-MLP

ORDER DENYING MOTION TO
SUPPLEMENT THE RECORD
BUT GRANTING LEAVE TO
FILE AMENDED COMPLAINT

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14 This is a 42 U.S.C. § 1983 prisoner civil rights action. This matter comes before
15 the Court upon Plaintiff's Motion to Supplement the Record. (Dkt. # 28.) Plaintiff
16 appears to be identifying several new Defendants and adding new information he has
17 received via discovery to his existing complaint. (*Id.*) Defendants do not oppose
18 Plaintiff's apparent request to supplement his complaint but contend that "the manner in
19 which he attempts to do so here is confusing and creates a procedural dilemma for the
20 parties and the Court moving forward." (Dkt. # 29 at 1.)

21 The Court agrees. Plaintiff's request to supplement the existing complaint, rather
22 than file an amended pleading that operates as a complete substitute for the complaint, is
23 DENIED. (Dkt. # 28.) However, Plaintiff may file a motion seeking leave to amend his

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COMPLAINT - 1

1 complaint to add Defendants and set forth new factual allegations in a manner consistent
2 with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 15(a), (d).

3 Under Federal Rule of Civil Procedure 15, leave to amend should be freely given
4 when justice so requires. Amendment should be granted absent evidence of bad faith,
5 undue delay or prejudice to the opposing party. *Bowels v. Reade*, 198 F.3d 752, 757 (9th
6 Cir. 1999). Specifically, Rule 15 provides:

7 **(1) *Amending as a Matter of Course***

8 A party may amend its pleading once as a matter of course within:

9 (A) 21 days after serving it, or

10 (B) if the pleading is one to which a responsive pleading is required, 21 days after
11 service of a responsive pleading or 21 days after service of a motion under Rule
12 12(b), (e), or (f), whichever is earlier.

12 **(2) *Other Amendments***

13 In all other cases, a party may amend its pleading only with the opposing
14 party's written consent or the court's leave. The court should freely give leave
when justice so requires.

15 Additionally, in this Court, a party moving to amend a complaint must also comply with
16 the Local Civil Rule ("LCR") 15, which requires:

17 A party who moves for leave to amend a pleading, or who seeks to amend a
18 pleading by stipulation and order, must attach a copy of the proposed amended
19 pleading as an exhibit to the motion or stipulation. The party must indicate on the
20 proposed amended pleading how it differs from the pleading that it amends by
21 bracketing or striking through the text to be deleted and underlining or highlighting
22 the text to be added. The proposed amended pleading must not incorporate by
23 reference any part of the preceding pleading, including exhibits. If a motion or
stipulation for leave to amend is granted, the party whose pleading was amended
must file and serve the amended pleading on all parties within fourteen (14) days
of the filing of the order granting leave to amend, unless the court orders otherwise.

1 Accordingly, the Court will grant Plaintiff an additional extension of time to comply
2 with the applicable rules for amending his complaint. Plaintiff is advised that an amended
3 pleading operates as a *complete* substitute for an original pleading. *See Ferdik v. Bonzelet*, 963
4 F.2d 1258, 1262 (9th Cir. 1992) (citing *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*,
5 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended), *cert. denied*, 506 U.S. 915 (1992)). Thus,
6 any amended complaint must clearly identify all the Defendant(s), the constitutional claim(s)
7 asserted, the specific facts which Plaintiff believes support each claim, and the specific relief
8 requested.

9 As the parties are aware, **June 7, 2019** is the deadline to complete discovery in this
10 matter. (Dkt. # 25.) If Plaintiff requires additional time for discovery, he should promptly file a
11 motion seeking an extension of time. The current dispositive motion deadline of July 8, 2019 is
12 STRICKEN. (*Id.*) Plaintiff must file his motion for leave to file an amended complaint, in
13 accordance with the requirements of LCR 15 set forth above, by no later than **Tuesday, July 9,**
14 **2019**. The Court will rule on Plaintiff's motion to amend after reviewing his proposed amended
15 complaint, and then re-set the dispositive motion deadline at that time.

16 The Clerk is directed to send copies of this order to the parties and to the
17 Honorable John C. Coughenour.

18 Dated this 22nd day of May, 2019.

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20 MICHELLE L. PETERSON
21 United States Magistrate Judge
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